

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION



County of LaSalle, Illinois, Department of Highways and City of Streator,
Illinois,
Petitioners,

Vs.

Burlington Northern and Santa Fe Railway Company and State of Illinois,
Department of Transportation,
Respondents.

T04-0069

Petition for an Order of the Illinois Commerce Commission authorizing
the replacement of the structure where E. Broadway Street goes over the
tracks of the Burlington Northern Santa Fe Railway Company and the SB
Warehousing, Inc. in Streator, LaSalle County, Illinois, apportioning costs
thereof and directing an appropriate portion thereof to be borne by the
Grade Crossing Protection Fund.

TO ALL PARTIES OF RECORD:

ADMINISTRATIVE LAW JUDGE'S PROPOSED ORDER

Attached is a copy of the Administrative Law Judge's Proposed Order in the above
referenced matter.

The Administrative Law Judge's Proposed Order is being sent to you pursuant to the
Commission's Rules of Practice (83 Ill. Adm. Code 200). Your case is a "contested case" or
"licensing case" as defined in Section 200.40 of the Rules and, therefore, the Administrative
Law Judge is required under Section 200.820 to issue a Proposed Order to all parties.

Under Section 200.830 of the Rules, exceptions to the Proposed Order and replies
thereto may be filed by the parties within the time periods established by the rules or such other
times as fixed by the Administrative Law Judge. The times for filing Briefs on Exceptions and
Briefs in Reply to Exceptions are 14 days and seven days, respectively.

Entered: February 8, 2006


Dean Jackson
Chief Administrative Law Judge
Review & Examination Program

DJ:rsc
Railroad Staff: Mr. Humphries

DOCKETED

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

County of LaSalle, Illinois, Department of Highways and City of :
Streator, Illinois, Petitioners, :

Vs. :

Burlington Northern and Santa Fe Railway Company and State of :
Illinois, Department of Transportation, Respondents. :

T04-0069

Petition for an Order of the Illinois Commerce Commission :
authorizing the replacement of the structure where E. Broadway :
Street goes over the tracks of the Burlington Northern Santa Fe :
Railway Company and the SB Warehousing, Inc. in Streator, :
LaSalle County, Illinois, apportioning costs thereof and directing :
an appropriate portion thereof to be borne by the Grade Crossing :
Protection Fund. :

PROPOSED ORDER

By the Commission:

On September 30, 2004, the County of LaSalle ("County") and the City of Streator ("City") filed a joint Petition with the Illinois Commerce Commission ("Commission") in the above captioned matter, naming as Respondents The Burlington Northern Santa Fe Railroad Company ("Company" or "Railroad") and the State of Illinois, Department of Transportation ("Department"). The Burlington Northern Santa Fe Railroad Company, after the Petition was filed, changed its name to BNSF Railway Company.

Under the Illinois Commercial Transportation Law ("ICTL") (625 ILCS 5/18c-7401), Commission authorization is required before a grade separation may be reconstructed or replaced. The Petitioners seek authorization from the Commission to replace an old, dilapidated steel bridge structure that carries vehicular traffic over five (5) tracks of the Railroad and five (5) tracks of the SB Warehousing (Lucky Trucking Company), located in the City of Streator, LaSalle County.

Pursuant to due notice given in accordance with the law and rules and regulations of the Commission, the matter came for hearing before a duly authorized Administrative Law Judge of the Commission at the Commission's Springfield office on January 26, 2005, May 11, 2005 and June 14, 2005. The Petitioners were represented by counsel and presented the testimony of following witnesses: Roger Wright, Consulting Engineer with Hutchinson Engineering, Incorporated; Lawrence J. Kinser, LaSalle County Engineer; James Hamilton, Structural Engineer with Hutchinson

Engineering, Incorporated; Ralph Hermann, Public Works Director for the City of Streator; and Lyle Schaub, Civil Engineer with Hutchinson Engineering, Incorporated. The Railroad appeared by counsel and presented the testimony of the following witnesses: Cheryl Townlian, the Railroad's Manager of Public Projects; and Dwight Golder, the Railroad's Manager of Signals. An appearance was also entered by a representative of the Department. Henry Humphries, Rail Safety Specialist for the Rail Safety Section of the Transportation Bureau, represented Commission staff. No party contested the request in the Petition to reconstruct the bridge. The Petitioners' proposed cost division was contested by the Railroad. The matter was marked "Heard and Taken" on June 14, 2005.

PETITIONERS' EVIDENCE

As indicated, the Petitioners request authority to replace the existing grade separation structure situated over the Company's track in the City (AAR/DOT #004 480C, railroad milepost 89.41-M). Mr. Wright testified that the existing structure, which carries Broadway Street over the Company's and SB Warehousing tracks, was built in 1930. The structure was rehabilitated in 1976 including complete deck replacement, reconstruction of retaining walls and approach pavement replacement. The existing structure, which is owned and maintained by the City, consists of twenty (20) spans, including three (3) steel truss main spans of 105'-9", 102'-10 1/2", and 102'-10 1/2", over the tracks of the Railroad and SB Warehousing. There are seventeen (17) approach spans of thirty feet (30') to thirty-eight feet (38') in length. The substructure consists of steel columns and braced bents. The bridge deck is a reinforced concrete slab with bituminous overlay. The total bridge length is 843'-4 3/4" back to back of abutments, and clear roadway width provided is 24'-0" for the approach span and 22'-6" for the main truss spans. There is an existing sidewalk on the south side, approximately 5'-9" wide. The highway approaches to the bridge consist of concrete pavement with bituminous overlay. The approach embankment is retained by reinforced concrete retaining walls constructed parallel to Broadway Street. There are frontage roads at each quadrant for ground level access under the bridge for property and businesses. The west approach retaining wall is 119'-3 1/8" long and the east retaining wall is 111'-9 3/4" long. The existing structure, including retaining walls and bridge, has a total length of 1,074'-5 1/8". The existing bridge provides 21'-0"± vertical clearance from the existing tracks to low steel.

In 1999 the Department inspected the structure and, due to deterioration of the steel structure, concrete deck and leaking joints the structure, was load restricted to four (4) tons. Emergency repairs were undertaken to get the structure increased to fifteen (15) tons with the stipulation the structure be re-inspected at six (6) month intervals to monitor the condition of the structure. In 2002, the structural steel was found to exhibit signs of advanced deterioration, section loss and corrosion. The existing clear roadway width of twenty two feet six inches (22'-6") is considerably less than the required 30'-0" roadway width for this roadway and traffic volume. The structure also does not meet current present day design standards. The existing steel bent supports are not crashworthy in case of rail car derailment or accident. Failure of the steel columns would cause the structure to collapse. The existing vertical clearance is 21'-0", which is less than the

minimum vertical clearance of 23'0" as required by 92 Illinois Administrative Code Part 1500.

The Petitioners propose to replace the existing structure with a three (3) span continuous welded plate girder structure with a concrete deck. Span lengths are proposed to be 120', 140' and 120', respectively. Concrete piers and crash walls will also be provided. The estimated length of the new structure would be 380'-0" back to back of abutments. It is also proposed to provide 320' of MSE (reinforced earth) walls for the west highway approach and 375' of MSE walls for the east highway approach to the bridge. The combined length of the retaining walls and structure is 1,075'-0". Broadway Street will be closed to traffic during construction. Federal Funding will be utilized by the Petitioners to pay a portion of the project costs. That funding and construction is contemplated during fiscal year FY-2007. The Petitioners are requesting assistance from the Grade Crossing Protection Fund ("GCPF") and the Railroad to help pay for construction of the new structure.

Petitioners estimate that the total cost of the Project is \$7,353,087.00. This amount does not include the estimated required signal work provided by the Railroad and which may approach anywhere from a total of \$209,158.00 to \$283,245.00. (See below.) Commission Staff submitted that the Grade Crossing Protection Fund would contribute \$4,411,852.00 (60% of the figure excluding signal construction costs). Petitioners have a commitment from the Department to fund \$1,626,000.00 from Federal "Major Bridge" Funding and \$1,315,235.00 from the Federal Highway Bridge Replacement and Rehabilitation funding program. Petitioners request that the Federal Funding be considered as their contribution, and ask that the remainder be apportioned to the Railroad.

RESPONDENT RAILROAD'S EVIDENCE

The Railroad did not contest the Petitioners' request that the bridge structure carrying East Broadway Street over the 10 sets of tracks be replaced, or the need to replace the structure due to its seriously dilapidated and dangerous condition. Rather, the Railroad's evidence was directed entirely to the costs associated with the removal, relocation and replacement of its signal cable at that location and its argument that it should not be apportioned much, if any, of the costs associated with the project as a whole.

Ms. Townlian, the Railroad's Manager of Public Projects, pointed out that the existing structure spans 10 (ten) sets of track, but stated that the Railroad only owns only 5 (five) of those 10 (ten) tracks located under the bridge span on the west side. She testified that the five tracks which are owned by the Railroad consist of one siding track (Track #5), three main line tracks (Track numbers 4, 3 and 2) and one spur track (Track #1). She stated that the five sets of tracks under the span on the east side are yard tracks owned by a private company, SB Warehousing, and are used to service its business. According to Ms. Townlian, the railroad signals current in place at the site is a wire/cable system buried in the ground. The Railroad proposes to install a new "Electricode" signal system, which

consists of running current through the rail on the tracks, rather than through buried wire. The new signal system will eliminate all signal wires. At the first hearing held in the case, Ms. Townlian estimated the cost of the Electricode signal system at \$283,245.00. She further testified that the Railroad did not propose to absorb that cost as part of the Project.

During examination Ms. Townlian estimated train traffic volume on the five tracks at 75 to 80 trains per day, all consisting of freight train traffic. No passenger trains traverse the Railroad's tracks at this location. Train speed entering the area is 70 miles per hour. However, Ms. Townlian submitted that speeds at the bridge location is more like 35 miles per hour due to the necessity to slow down for switches and connections. Upon further questioning, Ms. Townlian admitted that, while the Railroad does not own the five SB Warehousing tracks, the Railroad does deliver all of the trains and rail cars needed or used by SB Warehousing, and therefore exclusively operates on the five tracks under the eastern end of the structure in order to service that company's business per an agreement between the two. Ms. Townlian was unable to provide evidence of the number of trains or rail cars which the Railroad delivered to SB Warehousing, either on a daily, monthly or annual basis. Importantly, she did testify that the \$283,245.00 cost estimate to install the new Electricode signal system did include eliminating the wire/cable signal system that services the signals to the switch for the five SB Warehousing tracks and installing the new Electricode system to service those tracks.

At a subsequent evidentiary hearing, the Railroad presented the testimony of Mr. Dwight Golder, the Railroad's Manager of Signals. Mr. Golder stated that he is responsible for the installation and maintenance of the Railroad's signal systems in its Chicago Division. He testified to the Railroad's concerns and fear of potential damage to the existing signal cable, which is located next to an existing bridge pier between two of the main line tracks, during construction of the Project. He also offered alternative cost estimates. According to Mr. Golder, the signal cable in question regulates the movement of all rail traffic in this area, including BNSF trains and Norfolk Southern Railway Company trains. He testified that if this cable were damaged during construction, both BNSF and Norfolk Southern rail traffic lines that connect Chicago with points west to Kansas City and California would be adversely affected. Mr. Golder testified that, at Commission Staff's request, he prepared an alternate method of accommodating the safety and integrity of the existing cable during bridge demolition and new construction. This method would require relocating and burying the cable around the subject pier to protect the signal system, and relocating approximately 4,000 lineal feet of cable. According to Mr. Golder, the estimated cost of this alternative is \$209,158.00. Mr. Golder testified that the Railroad prefers the Electricode current-in-rail system, eliminating the need for buried wires. Presumably, the Railroad intends to install that new system in any event, and it offered to accept responsibility for the difference in costs between the two alternatives. In other words, the Railroad asks that other Parties and the Project (and not the Railroad) be apportioned the cost of relocating and burying wires/cable which would be required if the existing signal system were kept in place (\$209,158.00), and it will install the Electricode system (\$283,245.00 cost), with the Railroad paying the difference in the amount of \$74,087.00. According to the Railroad, the base cost of the signal work in the amount of \$209,158.00 should be apportioned to the other Parties.

At the hearings, and in its Brief on Allocation of Costs, the Railroad argued that it should not be apportioned *any* portion of the costs of the Project, much less what some might argue would be a 5% apportionment of total Project costs to a rail carrier assumed as a "benefit of the Project to the railroad" in such cases. The Railroad reasons that, under Federal Law, use of Federal-aid funds such as a portion of the funding committed to Petitioners from the Federal Highway Bridge Replacement and Rehabilitation Program Funds here (23 U.S.C. Section 144), precludes requiring railroads to share in the cost of reconstruction of grade separation projects.

PETITIONERS' REBUTTAL

Petitioners offered the testimony of Mr. Lyle Schaub, a Civil Engineer employed by Hutchison Engineering, on the issue of protection of the Railroad's signal cables/wires during the demolition and construction phases of the Project. Mr. Schaub performed a site investigation with Railroad personnel at the location in mid-2005. He rendered his professional opinion that the Railroad's signal cables would not be impacted in the slightest by the construction of the new structure for reason that the signal wires are not located where that new construction will take place. He stated that the only potential interference which might occur would be during the demolition of the old bridge. According to Mr. Schaub, the existing signal cable is buried along only one of the bridge piers. He described the pier structure as a three level tier. First, about 3 (three) feet below grade is a footing which is a 10 by 10 foot concrete mass that is twenty feet thick. A four by four foot concrete pedestal which is three feet thick sits on top of the footing. About two feet of the pedestal sits below grade, and about one foot of it is above ground level. The third component, an iron girder, then sits atop the pedestal and extends upward to support the roadway of the bridge approximately 21 feet above the railroad tracks. There are 20 such girders and piers supporting the entire structure, and the signal cable runs along only one of the piers. Mr. Schaub testified that in the demolition phase, the footings will not be removed. Rather, only 18 inches of the pedestal will be removed. According to the witness, all the demolition work on the one affected pedestal will be done by hand with small tools to prevent any interference with the signal cable.

Mr. Schaub testified that there is absolutely no need to remove, relocate or replace any of the existing signal circuitry/wires/cable at all. It was his opinion that the proposal by the Railroad to install Electricode, or alternatively to replace signal cable, is a definite upgrade which should not be a part of the Project as a whole. The Railroad denied that it was seeking an upgraded signal system, and insisted that removal and replacement of the signal wires was necessary under the circumstances.

In their Brief on Cost Allocation Recommendations, Petitioners submit that it is reasonable to allocate 5% of the Project costs to the Railroad for reasons that the Project itself constitutes a direct benefit to the Railroad by way of increased overhead clearance, a new or improved signal system, financial benefit in servicing its customer, the SB Warehousing Company, and in general overall providing for the public health, safety, welfare and convenience. Petitioners argue that the Railroad's reliance on the Federal aid

argument to avoid sharing in any costs of the Project is misplaced. According to Petitioners, the proscription from allocating Project costs to a railroad applies only to Federal funding under certain Programs for which there is a presumption that the Project is generally of no ascertainable net benefit to the railroad. (23 U.S.C. Section 130 (b).) Petitioners contend that there is no such presumption where the Federal funding involved is that which funnels to a local agency through the Illinois Department of Transportation such as "Major Bridge" funds (23 U.S.C. Section 101 *et seq*) and the Bridge Replacement and Rehabilitation Program (23 U.S.C. Section 144). In the alternative, Petitioners request that if the Railroad is not allocated any responsibility for any of the Project costs, then the Railroad should still be allocated the sum of \$62,455.00 that Petitioners estimate to be the value of the upgrade to Electriccode circuitry, with the remainder apportioned to the funding Programs obtained through the Department.

In the Proposed Order submitted to the Parties herein pursuant to the Commission's Rules of Practice and Procedure, the Administrative Law Judge ruled that there is no proscription against allocating costs of the Project here to the Railroad, or any other railroad. Rather, it is appropriate to weigh the relative benefits of the Project to the Parties involved, and allocate the Project costs on that basis. The Administrative Law Judge further rendered the decision that the Railroad's share of allocated Project costs under the benefit analysis should be limited to the costs associated with all signal circuitry work, whichever system the Railroad chooses to install (between \$209,158.00 and \$283,245.00), as well as the temporary construction and permanent easements necessary for the Project. Illinois Commercial Transportation Law, 625 ILCS 5/18c-7401.

STAFF'S POSITION

Staff is of the opinion that replacement of the existing structure with a new bridge is in the interest of public safety and recommends the Petitioners request be approved. Project costs should be divided equitably among all the parties and the Grade Crossing Protection Fund ("GCPF"). GCPF assistance should be limited to \$4,411,852 for the proposed project. \$2,448,200 should be available from the GCPF during state fiscal year 2006 ("FY 06"), and \$1,963,652 should be available from the GCPF during FY 07. \$2,448,200 in GCPF assistance shall be authorized with this Order. No further amounts can be paid from the GCPF by the Department until further Order of the Commission. The Petitioners should be required to submit a Supplemental Petition requesting the remainder of the GCPF assistance. Any Supplemental Petition submitted should include evidence to prove that previous contributions from the GCPF have been expended.

The Commission, having given due consideration to the entire record herein, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The recitals of fact set forth in the prefatory portion of this Order are supported by the evidence and are adopted as findings of fact;

- (3) Public safety requires that the work proposed in the Petition and outlined in the prefatory portion of this Order be completed as set forth in Petitioners' Exhibit D, admitted into evidence;
- (4) The cost of the project should be divided as followed:

- DIVISION OF COST -

Work Item	Est. Cost	GCPF	County/City	Company	Department
Reconstruct Broadway Street Bridge	\$7,353,087	(60%) \$4,411,852 ¹	Remainder ²	\$0 ³	\$2,941,235 ⁴
Relocate Railroad signal and communication lines.	\$209,158 or \$283,245	\$0	\$0	\$209,158 or \$283,245	\$0
Easements				Unknown	
Total	\$7,562,245 or \$7,636,332	\$4,411,852 ¹	Remainder ²	\$209,158 or \$283,245 ³	2,941,235 ⁴

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$4,411,852 for reconstruction of the grade separation; any reconstruction costs above the estimated amount of \$7,353,087 will be the responsibility of the County and City, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission; GCPF assistance shall be limited to \$2,448,200 in state fiscal year 2006 (FY 06) and \$1,963,652 in FY 07.

² The County and City will pay all remaining reconstruction costs, after payments from the GCPF and the Company, and shall retain ownership and responsibility for all future maintenance of the new structure.

³ Company participation shall be limited to the cost to relocate Railroad signal and communication lines, and all easements necessary to the Project.

⁴ IDOT participation limited to \$2,941,235 utilizing federal funds.

- (5) 625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects all parties to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises that any failure to comply may result in the assessment of such sanctions.

- (6) Any person making a Request for an Extension of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing and Information no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.
- (7) Any person making a Request for an Extension of Time that exceeds 30 days must file a Petition for Supplemental Order with the Director of Processing and Information no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions for Supplemental Orders.
- (8) Requests for Extension of Time and Petitions for Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request for Extension of Time or a Petition for Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered timeframe.
- (9) The Commission or its Administrative Law Judge reserves the right to deny Petitions for Supplemental Orders and Requests for Extension of Time, if the reason(s) supporting the request is (are) insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.
- (10) The County/City and Railroad shall provide sufficient documentation for all bills submitted for the work specified in the prefatory portion of this Order.

IT IS THEREFORE ORDERED that the County of LaSalle and the City of Streator are hereby authorized to reconstruct the Broadway Street (AAR/DOT #004 480C, railroad milepost 89.41-M) grade separation structure spanning the BNSF Railway Company's track.

IT IS FURTHER ORDERED that the County of LaSalle and the City of Streator shall retain ownership, have jurisdiction of, and be responsible for all future maintenance of the new structure.

IT IS FURTHER ORDERED that the BNSF Railway Company shall proceed with the relocation of its signal and communication lines and shall complete said work prior to the removal and replacement of the structure herein authorized.

IT IS FURTHER ORDERED that the County of LaSalle and the City of Streator are hereby required and directed to proceed immediately with the required work and shall

complete the project within three (3) years from the date of this Order.

IT IS FURTHER ORDERED that the cost of making the improvements herein required shall be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, as set forth in Section 4 herein above.

IT IS FURTHER ORDERED that the total assistance from the Grade Crossing Protection Fund of the Motor Fuel Tax Law authorized for this project shall be limited to \$4,482,000. Grade Crossing Protection Fund assistance shall be limited to \$2,448,200 in state fiscal year FY 06 and \$2,033,800 in FY 07.

IT IS FURTHER ORDERED that \$2,448,200 in Grade Crossing Protection Fund assistance shall be authorized with this Order. No further amounts can be paid from the Grade Crossing Protection Fund by IDOT until further Order of the Commission. The Petitioners shall be required to submit a Supplemental Petition requesting the remainder of the Grade Crossing Protection Fund assistance. Any Supplemental Petition submitted shall include evidence to prove that previous contributions from the Grade Crossing Protection Fund have been expended.

IT IS FURTHER ORDERED that since federal funding is being utilized for the grade separation reconstruction, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991. Contractor liability insurance will be required.

IT IS FURTHER ORDERED that all bills for bridge reconstruction expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Department's District 3 office, located at 700 East Norris Drive, Ottawa, Illinois, 61350. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than eighteen (18) months from the completion date specified in this Order. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall meet the minimum documentation requirements set forth in Section 8 of the Stipulated Agreement, appended hereto. The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Order without prior approval by the Commission. The Commission shall, at the end of the 18th month from the completion date specified in this or any Supplemental Order, notify the Department to de-obligate all residual funds accountable for installation costs for this project.

IT IS FURTHER ORDERED that all billing for all work specified in this Order shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the Village account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including

the rental rate; number of hours the equipment was used and the Village account code for the project.

- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the Village account code for the project.
- e) Supervision - Copies of employee work hours charged to the Village account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice shall include the crossing number (AAR/DOT inventory number), the ICC order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

IT IS FURTHER ORDERED the County of LaSalle, the City of Streator and The BNSF Railway Company shall, at six (6) month intervals from the date of Commission Order, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached hereto, stating the progress each has made toward completion of the work herein required. Each Project Status Report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the County/City and Railroad Project Manager.

IT IS FURTHER ORDERED that the County of LaSalle and the City of Streator shall within five (5) days of the completion of the work herein required, submit a completely updated United States Department of Transportation Inventory Form (#6180.71) to the Federal Railroad Administration, the Chief of Data Services at the Illinois Department of Transportation, and the Director of Processing and Information, Transportation Bureau of the Commission.

IT IS FURTHER ORDERED that the County of LaSalle and the City of Streator are hereby required and directed to submit a Project Completion Report, to the Director of Processing and Information, Transportation Bureau of the Commission, stating that the work herein required of it has been completed. The Project Completion Report shall be submitted within five (5) days after the project completion date.

IT IS FURTHER ORDERED that any person making a Request for an Extension of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing and Information no later than 14 days in advance of the

scheduled deadline. An Administrative Law Judge will consider and decide the request.

IT IS FURTHER ORDERED that any person making a Request for an Extension of Time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing and Information no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions for Supplemental Orders.

IT IS FURTHER ORDERED that requests For Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request for Extension of Time or a Petition for Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered timeframe.

IT IS FURTHER ORDERED that the Commission or its Administrative Law Judge reserves the right to deny Petitions for Supplemental Orders and Requests for Extension of Time, if the reason(s) supporting the request is (are) insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision subject to the Administrative Review Law.

By Order of the Commission this day of , 2006.

Chairman